

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
OLIN CORPORATION,
Plaintiff,

:

: 84 Civ. 1968 (JSR)

- against -

:

LAMORAK INSURANCE COMPANY,

:

Defendant.
-----X

**DECLARATION OF CRAIG C. MARTIN IN SUPPORT OF OLIN CORPORATION'S
MOTION FOR SUMMARY JUDGMENT ON THE CRAB ORCHARD SITE**

I, Craig C. Martin, pursuant to 28 U.S.C. § 1746, hereby declare the following:

1. I am a partner in the law firm Willkie Farr & Gallagher LLP, located at 300 North LaSalle, Chicago, Illinois 60654-3456, and counsel for the plaintiff Olin Corporation ("Olin") in this action. I am a member in good standing of the bar of the State of Illinois. I am admitted *pro hac vice* to practice law in this matter pending in the United States District Court for the Southern District of New York and am in good standing with this Court.

2. I submit this declaration and attached documents in support of Olin Corporation's Motion for Summary Judgment on the Crab Orchard Site

3. I am familiar with the facts and circumstances set forth herein based upon personal knowledge and/or a review of our file in this matter.

4. Many of these exhibits are voluminous reports prepared by government agencies or environmental consultants. To the extent the reports contain tables, appendices, or data that are not helpful to decide the issues before the Court, they have been omitted from these exhibits, for the Court's convenience. Olin will provide the tables, appendices, or data at the Court's request.

I. Relevant Insurance Policies

5. Attached as Exhibit 1 is a true and correct copy of insurance policy number EY-8057-011 issued to Olin by a predecessor of Defendant Lamorak Insurance Company (“Lamorak”).

6. Attached as Exhibit 2 is a true and correct copy of insurance policy number EY-8057-012 issued to Olin by a predecessor of Lamorak.

7. Attached as Exhibit 3 is a true and correct copy of insurance policy number EY-8057-013 issued to Olin by a predecessor of Lamorak.

8. Attached as Exhibit 4 is a true and correct copy of insurance policy number 16-8057-001 issued to Olin by a predecessor of Lamorak, which was produced in this action and bates labeled Olin26(a)(1)(D) 002002 *et seq.*

9. Attached as Exhibit 5 is a true and correct copy of an excerpt of the Affidavit of Richard H. Gimer filed in this action on October 14, 1990.

10. Attached as Exhibit 6 is a true and correct copy of insurance policy number CU1035 issued to Olin by Lloyd’s & British Companies, which was produced in this action and bates labeled 2017OLINREMAND_00003689 *et seq.*

11. Attached as Exhibit 7 is a true and correct copy of insurance policy number K66571 issued to Olin by Lloyd’s & British Companies, which was produced in this action and bates labeled 2017OLINREMAND_00002785 *et seq.*

12. Attached as Exhibit 8 is a true and correct copy of insurance policy number E 16-8057-004 issued to Olin by a predecessor of Lamorak, which was produced in this action and bates labeled Olin26(a)(1)(D) 002531 *et seq.*

13. Attached as Exhibit 9 is a true and correct copy of insurance policy number FNJ204675YB issued to Olin by Lloyd's & British Companies, which was produced in this action and bates labeled 2017OLINREMAND_00005212 *et seq.*

II. Corporation Transaction Documents Related to Crab Orchard

14. Attached as Exhibit 10 is a true and correct copy of the sales agreement between Olin and Commercial Solvents Corporation, dated August 28, 1963, which was produced in this action and bates labeled 2020OLINCOS_0043941 *et seq.*

15. Attached as Exhibit 11 is a true and correct copy of the Distribution Agreement between Olin Corporation and Primex Technologies, Inc., dated December 30, 1996 which was produced in this action and bates labeled 2020OLINFACSITES_0043465 *et seq.*

16. Attached as Exhibit 12 is a true and correct copy of the Assumption of Liabilities and Indemnity Agreement between Olin Corporation and Primex Technologies, Inc., dated December 31, 1996, which was produced in this action and bates labeled 2018OLINFACSITES_00142898 *et seq.*

17. Attached as Exhibit 13 is a true and correct copy of the Agreement and Plan of Merger among General Dynamics Corporation, Mars Acquisition Corporation, and Primex Technologies, Inc., dated November 9, 2000, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00000022 *et seq.*

III. Environmental Documents Related to the Crab Orchard Site

18. Attached as Exhibit 14 is a true and correct copy of United States Department of the Interior's ("USDOl") Request for Information Pursuant to Section 104(e) of CERCLA regarding the Crab Orchard National Wildlife Refuge Site sent to Olin, dated June 5, 1989, which was produced in this action and bates labeled 2018OLINFACSITES_00141290 *et seq.*

19. Attached as Exhibit 15 is a true and correct copy of Olin's Response to USDOJ's Request for Information pursuant to Section 104(e) of CERCLA regarding the Crab Orchard National Wildlife Refuge Site, dated September 12, 1989, which was produced in this action and bates labeled 2018OLINFACSITES_00713706 *et seq.*

20. Attached as Exhibit 16 is a true and correct copy of an excerpt of a letter from United States Environmental Protection Agency ("USEPA") to Olin regarding the PCB Areas Operable Unit, Crab Orchard National Wildlife Refuge ("Site"), Carterville, Illinois, dated October 25, 1990, which was produced in this action and bates labeled OLIN2011-045014 *et seq.*

21. Attached as Exhibit 17 is a true and correct copy of the Federal Facility Agreement under CERCLA Section 120, entered In the Matter of: The U.S. Department of the Interior's Crab Orchard National Wildlife Refuge, dated in August 1991, which was produced in this action and bates labeled 2018OLINFACSITES_00138702 *et seq.*

22. Attached as Exhibit 18 is a true and correct copy of a letter from the U.S. Fish and Wildlife Service ("FWS") to USEPA, the Illinois Environmental Protection Agency ("IEPA"), and U.S. Army Corps of Engineers ("USACE") regarding Status of Uncharacterized Sites, dated February 12, 1997, which was produced in this action and bates labeled Lamorak2017 00060112 *et seq.*

23. Attached as Exhibit 19 is a true and correct copy of an excerpt of the Executive Summary and Section 1 of Volume 1 of the Draft-Final Preliminary Assessment/Site Inspection Report: Additional and Uncharacterized Sites Operable Unit ("AUS OU") at the Crab Orchard National Wildlife Refuge NPL Site in Marion, Illinois (Williamson County), dated September 2001, which was produced in this action and bates labeled 2020OLINCOS_0038890 *et seq.*

24. Attached as Exhibit 20 is a true and correct copy of a letter, with enclosure, from the United States Department of Justice Environmental and Natural Resources Division (“USDOJ”) to Husch & Eppenberger regarding Crab Orchard National Wildlife Refuge NPL Site—Additional and Uncharacterized Sites Operable Unit, dated April 13, 2001, which was produced in this action and bates labeled Lamorak2017 00037498 *et seq.*

25. Attached as Exhibit 21 is a true and correct copy of a letter from USDOJ to Husch & Eppenberger regarding Crab Orchard National Wildlife Refuge NPL Site—Additional and Uncharacterized Sites Operable Unit, dated October 9, 2001, which was produced in this action and bates labeled Lamorak2017 00037495 *et seq.*

26. Attached as Exhibit 22 is a true and correct copy of a letter, with enclosures, from USEPA to Jenner & Block regarding Crab Orchard National Wildlife Refuge NPL Site, Additional and Uncharacterized Sites Operable Unit, Special Notice Letter for Remedial Investigation/Feasibility Study, dated March 29, 2002, which was produced in this action and bates labeled 2020OLINCOS_0056618 *et seq.*

27. Attached as Exhibit 23 is a true and correct copy of a sign-in sheet for the May 8, 2002 Meeting regarding Crab Orchard AUS OU, which was produced in this action and bates labeled Lamorak2017 00039152 *set seq.*

28. Attached as Exhibit 24 is a true and correct copy of a letter from USDOJ regarding Crab Orchard Additional and Uncharacterized Sites Operable Unit (AUS OU), enclosing a copy of GD-OTS and NewFields slide presentation, dated May 13, 2002, which was produced in this action and bates labeled Lamorak2017 00039154 *et seq.*

29. Attached as Exhibit 25 is a true and correct copy of a letter, with enclosure, from Jenner & Block LLP to USDOJ regarding Good Faith Offer of General Dynamics Ordnance and

Tactical Systems, Inc. to Conduct RI/FS at Crab Orchard, dated May 28, 2002, which was produced in this action and bates labeled 2020OLINCOS_0049845 *et seq.*

30. Attached as Exhibit 26 is a true and correct copy of the executed Administrative Order on Consent for Remediation Investigation/Feasibility Study, entered In the Matter Of: Crab Orchard National Wildlife Refuge Additional and Uncharacterized Sites Operable Unit, dated in December 2002, which was produced in this action and bates labeled Lamorak2017 00043290 *et seq.*

31. Attached as Exhibit 27 is a true and correct copy of correspondence, with attachment, regarding the Final Recommendations of the Statistics Support Team for the Crab Orchard Project, dated on or about June 24, 2003, which was produced in this action and bates labeled 2020OLINCOS_0043272 *et seq.*

32. Attached as Exhibit 28 is a true and correct copy of letter, with enclosures, from FWS to USEPA, IEPA, and the USACE regarding the Final Preliminary Assessment/Site Inspection Report, Additional and Uncharacterized Sites Operable Unit, Crab Orchard National Wildlife Refuge NPL Site, Marion, Illinois, dated July 7, 2003, which was produced in this action and bates labeled 2020OLINCOS_0057629 *et seq.*

33. Attached as Exhibit 29 is a true and correct copy of a facsimile transmittal enclosing a letter from Jenner & Block LLP to the United States Department of Justice (“USDOJ”), USEPA, and the Illinois Attorney General’s Office regarding Crab Orchard AUS OU – FFA Parties December 8, 2003 Comments on the GD-OTS Draft RI/FS Work Plan, dated December 17, 2003, which was produced in this action and bates labeled 2020OLINCOS_0045650 *et seq.*

34. Attached as Exhibit 30 is a true and correct copy of a letter, without attachments, from Jenner & Block LLP to USDOJ, USEPA, IEPA, and USACE regarding General Dynamics

Ordnance and Tactical Systems, Inc.'s ("GD-OTS") Invocation of Dispute Resolution Under the Administrative Order on Consent ("AOC"), dated December 22, 2003, which was produced in this action and bates labeled 2020OLINCOS_0045571 *et seq.*

35. Attached as Exhibit 31 is a true and correct copy of the FWS' Additional Uncharacterized Sites Operable Unit, Crab Orchard National Wildlife Refuge NPL Site Monthly Progress Report for February 2004, which was produced in this action and bates labeled 2020OLINCOS_0068950 *et seq.*

36. Attached as Exhibit 32 is a true and correct copy of a letter from FWS to NewFields regarding Notification of Violation under the Administrative Order on Consent, Additional and Uncharacterized Sites (AUS) Operable Unit, Crab Orchard National Wildlife Refuge NPL Site, Marion, Illinois, dated February 17, 2004, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00320925 *et seq.*

37. Attached as Exhibit 33 is a true and correct copy of a letter, with attachment, from FWS to Jenner & Block LLP regarding Determination of the Regional Director, Region 3, dated July 9, 2004, which was produced in this action and bates labeled 2020OLINCOS_0043841 *et seq.*

38. Attached as Exhibit 34 is a true and correct copy of letter, without attachments, from Jenner & Block LLP to USEPA regarding General Dynamics Ordnance and Tactical Systems, Inc. ("GD-OTS") – Crab Orchard National Wildlife Refuge ("CONWR"), Additional and Uncharacterized Sites Operable Unit ("AUS OU") – Request for Review of FWS Determination by U.S. EPA Region V Superfund Director, dated August 11, 2004, which was produced in this action and bates labeled 2020OLINCOS_0043540 *et seq.*

39. Attached as Exhibit 35 is a true and correct copy of the Crab Orchard Dispute Resolution Brief submitted by GD-OTS, dated August 2004, which was produced in this action and bates labeled 2020OLINCOS_0043496 *et seq.*

40. Attached as Exhibit 37 is a true and correct copy of the FWS' Additional Uncharacterized Sites Operable Unit, Crab Orchard National Wildlife Refuge NPL Site Monthly Progress Report for May 2005, which was produced in this action and bates labeled 2020OLINCOS_0068983 *et seq.*

41. Attached as Exhibit 38 is a true and correct copy of an excerpt of Volume 1 of the Final Remedial Investigation/Feasibility Study Work Plan and Associated Documents, dated April 14, 2006, which was produced in this action and bates labeled Lamorak2017 00094467 *et seq.*

42. Attached as Exhibit 39 is a true and correct copy of NewFields' Crab Orchard National Wildlife Refuge AUS RI/FS Progress Report for July 2007, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00000225 *et seq.*

43. Attached as Exhibit 40 is a true and correct copy of a letter from USDOJ to Jenner & Block LLP regarding Stipulated penalties matter: Additional and Uncharacterized Sites Operable Unit, Crab Orchard National Wildlife Refuge, dated August 20, 2007, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00320926 *et seq.*

44. Attached as Exhibit 41 is a true and correct copy of a letter from USDOJ to Latham & Watkins LLP regarding Crab Orchard National Wildlife Refuge: Stipulated penalty meeting, May 6, 2008, dated April 24, 2008, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00320938 *et seq.*

45. Attached as Exhibit 42 is a true and correct copy of NewFields' Crab Orchard National Wildlife Refuge AUS RI/FS Progress Report for July 2008, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00000270 *et seq.*

46. Attached as Exhibit 43 is a true and correct copy of NewFields' Crab Orchard National Wildlife Refuge AUS RI/FS Progress Report for September 2008, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00000275 *et seq.*

47. Attached as Exhibit 44 is a true and correct copy of NewFields' Crab Orchard National Wildlife Refuge AUS RI/FS Progress Report for October 2008, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00000280 *et seq.*

48. Attached as Exhibit 45 is a true and correct copy of NewFields' Crab Orchard National Wildlife Refuge AUS RI/FS Progress Report for October 2009, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00000319 *et seq.*

49. Attached as Exhibit 46 is a true and correct copy of a letter between USDOJ to Latham & Watkins LLP regarding Resolution of Penalty: Additional and Uncharacterized Sites Operable Unit, Crab Orchard National Wildlife Refuge, dated August 3, 2010, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00320952 *et seq.*

50. Attached as Exhibit 47 is a true and correct copy of FWS' Additional Uncharacterized Sites Operable Unit, Crab Orchard National Wildlife Refuge NPL Site Monthly Progress Report for August 2010, which was produced in this action and bates labeled 2020OLINCOS_0069153 *et seq.*

51. Attached as Exhibit 48 is a true and correct copy of a letter from USDOJ to Latham & Watkins LLP regarding Resolution of Claim for Stipulated Penalties: Additional and Uncharacterized Sites Operable Unit, Crab Orchard National Wildlife Refuge, dated September

21, 2010, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00320960 *et seq.*

52. Attached as Exhibit 49 is a true and correct copy of FWS' Additional Uncharacterized Sites Operable Unit, Crab Orchard National Wildlife Refuge NPL Site Monthly Progress Report for October 2010, which was produced in this action and bates labeled 2020OLINCOS_0069140 *et seq.*

53. Attached as Exhibit 50 is a true and correct copy of the Stipulation and Agreement Regarding the Assessment and Payment of Certain Stipulated Penalties, dated February 9, 2011, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00000076 *et seq.*

54. Attached as Exhibit 51 is a true and correct copy of the complaint for the case captioned *United States v. Schlumberger Technology, Corp. & General Dynamics Ordnance & Tactical Systems, Inc.*, Case No. 3:11-cv-00399 JPG/DGW (S.D. Ill.), filed on May 12, 2011, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00321065 *et seq.*

55. Attached as Exhibit 52 is a true and correct copy of NewFields' Crab Orchard National Wildlife Refuge AUS RI/FS Progress Report for June 2012, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00000399 *et seq.*

56. Attached as Exhibit 53 is a true and correct copy of NewFields' Crab Orchard National Wildlife Refuge AUS RI/FS Progress Report for December 2012, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00000418 *et seq.*

57. Attached as Exhibit 54 is a true and correct copy of FWS' Additional Uncharacterized Sites Operable Unit, Crab Orchard National Wildlife Refuge NPL Site Monthly Progress Report for February 2013, which was produced in this action and bates labeled 2020OLINCOS_0069200 *et seq.*

58. Attached as Exhibit 55 is a true and correct copy of FWS' Additional Uncharacterized Sites Operable Unit, Crab Orchard National Wildlife Refuge NPL Site Monthly Progress Report for October 2013, which was produced in this action and bates labeled 2020OLINCOS_0069210 *et seq.*

59. Attached as Exhibit 56 is a true and correct copy of the Memorandum and Order of the United States District Court for the Southern District of Illinois in the case captioned *United States v. Schlumberger Technology, Corp. & General Dynamics Ordnance & Tactical Systems, Inc.*, Case No. 3:11-cv-00399 JPG/DGW (S.D. Ill.), dated April 1, 2014, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00321236 *et seq.*

60. Attached as Exhibit 57 is a true and correct copy of the Consent Decree entered by the United States District Court for the Southern District of Illinois in the case captioned *United States v. Schlumberger Technology, Corp. & General Dynamics Ordnance & Tactical Systems, Inc.*, Case No. 3:11-cv-00399 JPG/DGW (S.D. Ill.), dated April 1, 2014, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00321190 *et seq.*

61. Attached as Exhibit 58 is a true and correct copy of a letter from FWS to Shannon & Wilson regarding Approval of the Remedial Investigation for the Additional and Uncharacterized Sites Operable Unit at the Sangamo Electric Dump / Crab Orchard National Wildlife Refuge National Priorities List Site, Marion, Illinois, dated February 13, 2015, which was produced in this action and bates labeled 2020OLINCOS_0054174 *et seq.*

62. Attached as Exhibit 59 is a true and correct copy of an excerpt of the Remedial Investigation Report for the AUS OU dated March, 2015, which was produced in this action and bates labeled 2020OLINCOS_0003920 *et seq.*

63. Attached as Exhibit 60 is a true and correct copy of an excerpt the Asbestos Investigation Report for the Supplemental Investigation for Munition and Explosives of Concern (MEC) Characterization and Asbestos Investigation at AUS 0069 Crab Orchard National Wildlife Refuge, Williamson County, Illinois, dated March, 2015, which was produced in this action and bates labeled 2020OLINCOS_0002956 *et seq.*

64. Attached as Exhibit 61 is a true and correct copy of a letter from FWS to the Department of Army regarding the AUS OU, dated March 19, 2015, which was produced in this action and bates labeled 2020OLINCOS_0050042 *et seq.*

65. Attached as Exhibit 62 is a true and correct copy of an excerpt of the Remedial Action Objectives Technical Memorandum for the AUS OU dated July 2015, which was produced in this action and bates labeled 2020OLINCOS_0001742 *et seq.*

66. Attached as Exhibit 63 is a true and correct copy of USEPA's Fifth Five-Year Review Report for Crab Orchard National Wildlife Refuge Superfund Site dated June 30, 2016, which was produced in this action and bates labeled 2020OLINCOS_0001228 *et seq.*

67. Attached as Exhibit 64 is a true and correct copy of an excerpt of the Preliminary Screening of Alternatives Technical Memorandum for the AUS OU dated February 2016, which was produced in this action and bates labeled 2020OLINCOS_0009281 *et seq.*

68. Attached as Exhibit 65 is a true and correct copy of a document titled CONWR AUS OU Feasibility Study (FS) Documents, dated March 1, 2018, which was produced in this action and bates labeled 2020OLINCOS_0061435 *et seq.*

69. Attached as Exhibit 66 is a true and correct copy of Shannon & Wilson, Inc.'s Crab Orchard National Wildlife Refuge AUS RI/FS Progress Report for March 2019, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00000609 *et seq.*

70. Attached as Exhibit 67 is a true and correct copy of Shannon & Wilson, Inc.'s Crab Orchard National Wildlife Refuge AUS RI/FS Progress Report for April 2019, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00000611 *et seq.*

71. Attached as Exhibit 68 is a true and correct copy of Shannon & Wilson, Inc.'s Crab Orchard National Wildlife Refuge AUS RI/FS Progress Report for November 2019, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00000624 *et seq.*

72. Attached as Exhibit 70 is a true and correct copy of Shannon & Wilson, Inc.'s Crab Orchard National Wildlife Refuge AUS RI/FS Progress Report for January 2020, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00000626 *et seq.*

73. Attached as Exhibit 71 is a true and correct copy of Shannon & Wilson, Inc.'s Crab Orchard National Wildlife Refuge AUS RI/FS Progress Report for March 2020, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00000629 *et seq.*

74. Attached as Exhibit 72 is a true and correct copy of a letter from GD-OTS to USDO I regarding Crab Orchard – AUS OU Feasibility Study, Groundwater Remediation Objectives and Goals, dated April 29, 2020, which was produced in this action and bates labeled 2020OLINCOS_0051484 *et seq.*

75. Attached as Exhibit 73 is a true and correct copy of Shannon & Wilson, Inc.'s Crab Orchard National Wildlife Refuge AUS RI/FS Progress Report for May 2020, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00000631 *et seq.*

76. Attached as Exhibit 74 is a true and correct copy of a letter from GD-OTS to USDO I regarding Crab Orchard – AUS OU Feasibility Study, dated August 3, 2020, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_01397691 *et seq.*

77. Attached as Exhibit 75 is a true and correct copy of a letter from USDOJ to GD-OTS regarding the Crab Orchard AUS OU Feasibility Study, dated August 6, 2020, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_01397694 *et seq.*

IV. Cost-Related Documents

78. Attached as Exhibit 76 is a true and correct copy of an Excel Spreadsheet identifying costs incurred by Olin and GD-OTS as to the Crab Orchard Site, which was produced in this action and bates labeled 2020OLINCOS_0043940.

79. Attached as Exhibit 77 is a true and correct copy of a Menzie-Cura & Associates, Inc. invoice for tasks completed in December 2001 and a Jenner & Block LLP client disbursement request form for that invoice, which were produced in this action and bates labeled CONWR_AUS_GDOTSCOSTS011568 *et seq.*

80. Attached as Exhibit 78 is a true and correct copy of a Menzie-Cura and Associates, Inc. invoice for task completed in January 2002 and a Jenner & Block LLP client disbursement request form for that invoice, which were produced in this action and bates labeled CONWR_AUS_GDOTSCOSTS011571 *et seq.*

81. Attached as Exhibit 79 is a true and correct copy of a Jenner & Block LLP invoice for professional services rendered in June 2002, which was produced in this action and bates labeled CONWR_AUS_GDOTSCOSTS012239 *et seq.*

82. Attached as Exhibit 80 is a true and correct copy of documents reflecting a payment made by Jenner & Block LLP to NewFields, Inc. dated May 19, 2005, which were produced in this action and bates labeled CONWR_AUS_GDOTSCOSTS002747 *et seq.*

83. Attached as Exhibit 81 is a true and correct copy of a SCS Engineers invoice for professional services from April 1, 2006 to April 30, 2006, which was produced in this action and

bates labeled CONWR_AUS_GDOTSCOSTS011829. Limited redactions were applied for sensitive financial information per Federal Rule of Civil Procedure 5.2.

84. Attached as Exhibit 82 is a true and correct copy of a letter, with enclosure, from Jenner & Block LLP to FWS, USEPA, IEPA, and USACE Financial Assurance – Administrative Order on Consent (“AOC”) For Remedial Investigation/Feasibility Study (“RI/FS”) – Crab Orchard National Wildlife Refuge, Additional and Uncharacterized Sites Operable Unit (“AUS OU”), dated April 11, 2006, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_011760 *et seq.*

85. Attached as Exhibit 83 is a true and correct copy of a Jenner & Block LLP invoice for professional services rendered in June 2006, which was produced in this action and bates labeled CONWR_AUS_GDOTSCOSTS012693 *et seq.*

86. Attached as Exhibit 84 is a true and correct copy of a ENTRIX, Inc. invoice for professional services from July 29, 2006 to August 25, 2006, which was produced in this action and bates labeled CONWR_AUS_GDOTSCOSTS006335 *et seq.*

87. Attached as Exhibit 85 is a true and correct copy of a letter from Jenner & Block LLP to USDOJ regarding Reimbursement of FY 2004 Oversight Costs, dated October 5, 2007, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00320988 *et seq.*

88. Attached as Exhibit 86 is a true and correct copy of a ENTRIX, Inc. invoice for professional services from January 31, 2009 to March 6, 2009, which was produced in this action and bates labeled CONWR_AUS_GDOTSCOTS008478 *et seq.*

89. Attached as Exhibit 87 is a true and correct copy of a letter, with enclosure, from Jenner & Block LLP to FWS, USEPA, IEPA, and USACE regarding Financial Assurance – Administrative Order on Consent (“AOC”) For Remedial Investigation/Feasibility Study

(“RI/FS”) – Crab Orchard National Wildlife Refuge, Additional and Uncharacterized Sites Operable Unit (“AUS OU”), dated April 1, 2020, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_011783 *et seq.*

90. Attached as Exhibit 88 is a true and correct copy of a letter, with enclosure, from GD-OTS to FWS, USEPA, IEPA, and USACE regarding Financial Assurance – Administrative Order on Consent (“AOC”) For Remedial Investigation/Feasibility Study (“RI/FS”) – Crab Orchard National Wildlife Refuge, Additional and Uncharacterized Sites Operable Unit (“AUS OU”), dated May 4, 2011, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_011795 *et seq.*

91. Attached as Exhibit 89 is a true and correct copy of a Citibank Private Bank Statement for General Dynamics Ordnance and Tactical Systems, Inc. and Schlumberger Technology Corp. Escrow Account, Citibank, for the statement period June 1 to June 30, 2013, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00000118 *et seq.* Limited redactions were applied for sensitive financial information per Federal Rule of Civil Procedure 5.2.

92. Attached as Exhibit 90 is a true and correct copy of a Shannon and Wilson, Inc. invoice for July 2015, which was produced in this action and bates labeled CONWR_AUS_GDOTSCOSTS011977 *et seq.*

93. Attached as Exhibit 91 is a true and correct copy of a Shannon and Wilson, Inc. invoice for September 2015 and documentation reflecting payment of that invoice by GD-OTS, which were produced in this action and bates labeled CONWR_AUS_GDOTSCOSTS012052 *et seq.* Limited redactions were applied for sensitive financial information per Federal Rule of Civil Procedure 5.2.

94. Attached as Exhibit 92 is a true and correct copy of the Affidavit of Jerri Mooney, dated September 1, 2015, which was produced in this action and bates labeled CONWR_AUS_GDOTSCOSTS001707 *et seq.*

95. Attached as Exhibit 93 is a true and correct copy of the Affidavit of Steven J. Wanner, dated September 18, 2015, which was produced in this action and bates labeled CONWR_AUS_GDOTSCOSTS000005 *et seq.*

96. Attached as Exhibit 94 is a true and correct copy of the Affidavit of Cheryl Randle, dated September 30, 2015, which was produced in this action and bates labeled CONWR_AUS_GDOTS006034 *et seq.*

97. Attached as Exhibit 95 is true and correct copy of Shannon and Wilson, Inc. invoice for August 2016 and documentation reflecting payment of that invoice by GD-OTS, which were produced in this action and bates labeled CONWR_AUS_GDOTSCOSTS013145 *et seq.* Limited redactions were applied for sensitive financial information per Federal Rule of Civil Procedure 5.2.

98. Attached as Exhibit 96 is a true and correct copy of Cardno invoices for November 2016, December 2016, and January 2017, and documentation reflecting payment of those invoices by GD-OTS, which were produced in this action and bates labeled CONWR_AUS_GDOTSCOSTS013296 *et seq.* Limited redactions were applied for sensitive financial information per Federal Rule of Civil Procedure 5.2.

V. Olin-GD-OTS Correspondence and Mediation Related Documents

99. Attached as Exhibit 97 is a true and correct copy of a letter from GD-OTS to regarding Notice of Potential Liability / Request for Indemnification Crab Orchard National

Wildlife Refuge Additional and Uncharacterized Sites Operable Unit, dated August 18, 2004, which was produced in this action and bates labeled 2020OLINCOS_0043877 *et seq.*

100. Attached as Exhibit 98 is a true and correct copy of a letter from GD-OTS to Olin regarding Request for Indemnification – Crab Orchard National Wildlife Refuge Additional and Uncharacterized Sites Operable Unit, dated March 4, 2005, which was produced in this action and bates labeled 2020OLINCOS_0043880 *et seq.*

101. Attached as Exhibit 99 is a true and correct copy of a fax transmittal with letter from Jenner & Block LLP to Olin regarding Request for Indemnification – Crab Orchard National Wildlife Refuge Additional and Uncharacterized Sites Operable Unit Informational PRP Meeting, dated September 8, 2006, which was produced in this action and bates labeled 2020OLINCOS_0047389 *et seq.*

102. Attached as Exhibit 100 is a true and correct copy of a letter from Latham & Watkins LLP to Olin regarding Crab Orchard Wildlife Refuge Site, dated January 15, 2009, which was produced in this action and bates labeled 2020OLINCOS_0047393 *et seq.*

103. Attached as Exhibit 101 is a true and correct copy of a letter from Latham & Watkins LLP to Dickstein Shapiro LLP regarding Cost Demand and Site Update for the Crab Orchard National Wildlife Refuge Site, Additional and Uncharacterized Sites Operable Unit, dated September 16, 2009, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00320502 *et seq.*

104. Attached as Exhibit 102 is a true and correct copy of a letter from Latham & Watkins regarding Site Update for the Crab Orchard National Wildlife Refuge Site, Additional and Uncharacterized Sites Operable Unit, dated July 24, 2015, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00320611 *et seq.*

105. Attached as Exhibit 104 is a true and correct copy of an Affidavit by William J. Duffin, dated October 1, 2015, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00321558 *et seq.*

106. Attached as Exhibit 105 is a true and correct copy of a letter from Latham & Watkins regarding Site Update for the Crab Orchard National Wildlife Refuge Site, Additional and Uncharacterized Sites Operable Unit, dated November 30, 2015, which was produced in this action and bates labeled GD-OTS_OLIN_LITIG_00320618 *et seq.*

VI. Olin-Lamorak Correspondence

107. Attached as Exhibit 106 is a true and correct copy of a letter from Johnson & Higgins dated December 11, 1990, enclosing the Insured's Letter Dated November 21, 1990 Along with Notice of Environmental Impairment Claim for the Crab Orchard Wildlife Refuge Claim, which was produced in this action and bates labeled 2018OLINFACSITES_00146422 *et seq.*

108. Attached as Exhibit 107 is a true and correct copy of a letter from Johnson & Higgins dated February 22, 1991, enclosing a letter and attachments from Olin with an update regarding all previously reported environmental impairment claims and occurrences, which was produced in this action and bates labeled CU Olin 02545 *et seq.*

109. Attached as Exhibit 108 is a true and correct copy of a letter from Johnson & Higgins dated August 27, 1991, enclosing a letter and attachments from Olin with an update regarding all previously reported Environmental Impairment Claims and Occurrences, which was produced in this action and bates labeled CU Olin 02761 *et seq.*

110. Attached as Exhibit 109 is a true and correct copy of a Status Report for Olin Sites for which Insurance Notification has been Made, dated January 1992, which was produced in this action and bates labeled CU Olin 02969 *et seq.*

111. Attached as Exhibit 110 is a true and correct copy of a letter from Commercial Union Insurance Companies to Olin, dated October 13, 1993, which was produced in this action and bates labeled Lamorak2017 00179224.

112. Attached as Exhibit 111 is a true and correct copy of email correspondence and letter from Olin to Resolute regarding Olin Corporation / Response to 9/22/17 Letter re Crab Orchard, McIntosh NRD, Cobourg, etc, dated October 24, 2017, which were produced in this action and bates labeled 2020OLINCOS_00565916 *et seq.*

113. Attached as Exhibit 112 is a true and correct copy of Settlement Agreement and Release between Lamorak Insurance Company and Olin Corporation, dated August 30, 2018, which was produced in this action and bates labeled 2020OLINCOS_0043989 *et seq.*

114. Attached as Exhibit 113 is a true and correct copy of email correspondence, without attachments, from Olin to Resolute regarding Olin Corporation / Crab Orchard Site, dated September 10, 2018, which was produced in this action and bates labeled 2020OLINCOS_0057085 *et seq.*

115. Attached as Exhibit 114 is a true and correct copy of email correspondence from Resolute to Olin regarding Crab Orchard, dated March 19, 2019, which was produced in this action and bates labeled 2020OLINCOS_0057460 *et seq.* Limited redactions were applied for sensitive financial information per Federal Rule of Civil Procedure 5.2.

116. Attached as Exhibit 115 is a true and correct copy of email correspondence, letter, and attachments from Olin to Resolute regarding Crab Orchard, dated March 26, 2019, which were produced in this action and bates labeled 2020OLINCOS_0057138 *et seq.*

117. Attached as Exhibit 116 is a true and correct copy of email correspondence between Olin, Olin's counsel, Lamorak's counsel, and Resolute regarding Crab Orchard Data Room, dated

April 3, 2019, which was produced in this action and bates labeled 2020OLINCOS_0055588 *et seq.*

118. Attached as Exhibit 117 is a true and correct copy of email correspondence and letter from Olin to Resolute regarding Olin Corporation / Crab Orchard Site, dated May 8, 2019, which were produced in this action and bates labeled 2020OLINCOS_0053965 *et seq.*

119. Attached as Exhibit 118 is a true and correct copy of a letter from Resolute to Olin regarding OLIN CORPORATION – Hazardous Waste, dated July 1, 2019, which was produced in this action and bates labeled 2020OLINCOS_0049780 *et seq.*

120. Attached as Exhibit 119 is a true and correct copy of email correspondence and letter from Olin to Resolute regarding Crab Orchard – 2Q Update, dated July 17, 2019, which were produced in this action and bates labeled 2020OLINCOS_0049726 *et seq.*

121. Attached as Exhibit 120 is a true and correct copy of email correspondence and letter from Olin to Resolute and Lamorak's counsel regarding Olin vs. Lamorak / Crab Orchard Site, dated September 17, 2019, which were produced in this action and bates labeled 2020OLINCOS_0050277 *et seq.*

122. Attached as Exhibit 121 is a true and correct copy of email correspondence between Olin's counsel and Lamorak's counsel regarding Olin/Lamorak, dated between September 30 and October 3, 2019, which was produced in this action and bates labeled 2020OLINCOS_0057289 *et seq.*

123. Attached as Exhibit 122 is a true and correct copy of email correspondence between the Court and counsel for the parties in the above-captioned litigation regarding 84-cv-1968 – Olin Corp. v. INS Company of N.A., et al., dated between September 26 and October 3, 2019, which was produced in this action and bates labeled 2020OLINCOS_0057272 *et seq.*

124. Attached as Exhibit 123 is a true and correct copy of email correspondence and letter from Olin to Resolute regarding Crab Orchard – 3Q19 Update, dated October 28, 2019, which was produced in this action and bates labeled 2020OLINCOS_0056572 *et seq.*

125. Attached as Exhibit 124 is a true and correct copy of email correspondence from Olin’s counsel to Lamorak’s counsel regarding 84-cv-1968 – Olin. Corp. v. INS Company of N.A., et al., dated November 1, 2019, which was produced in this action and bates labeled 2020OLINCOS_0057473 *et seq.*

126. Attached as Exhibit 125 is a true and correct copy of email correspondence between Olin’s counsel and Armour Risk Management, Inc. regarding Resolute/Bedivere – Olin Corporation, dated between October 31, and December 6, 2019, which was produced in this action and bates labeled 2020OLINCOS_0051494 *et seq.*

VII. Fact Discovery

127. Attached as Exhibit 126 is a true and correct copy of Lamorak’s Updated Initial Disclosures Pursuant to Federal Rule of Civil Procedure 26, dated April 22, 2020.

128. Attached as Exhibit 127 is a true and correct copy of Lamorak's Objections and Answers to Olin’s First Set of Interrogatories Relating to the Crab Orchard Site, dated June 8, 2020.

129. Attached as Exhibit 128 is a true and correct copy of Olin’s Objections and Responses to Lamorak’s First Set of Interrogatories Relating to the Crab Orchard Site, dated June 9, 2020.

130. Attached as Exhibit 129 is a true and correct copy of excerpts from the transcript of the August 18, 2020 deposition of Elaine Mills taken during discovery in this action.

131. Attached as Exhibit 130 is a true and correct copy of excerpts from the transcript of the August 21, 2020 deposition of David Share taken during discovery in this action.

132. Attached as Exhibit 131 is a true and correct copy of excerpts from the transcript of the August 28, 2020 deposition of William Duffin taken during discovery in this action.

133. Attached as Exhibit 132 is a true and correct copy of excerpts from the transcript of the September 10, 2020 deposition of Graham Loxley taken during discovery in this action.

134. Attached as Exhibit 133 is a true and correct copy of excerpts from the transcript of the September 20, 2020 deposition of Kimberly Taylor taken during discovery in this action.

135. Attached as Exhibit 134 is a true and correct copy of excerpts from the transcript of the July 10, 2013 deposition of Thomas Ryan, taken during discovery in the Five Sites phase of this action.

136. Attached as Exhibit 135 is a true and correct copy of excerpts from the transcript of the February 2, 2018 deposition of Edward Albanese, taken during discovery in the Remaining Sites phase of this action.

VIII. Expert Discovery

137. Attached as Exhibit 136 is a true and correct copy of the an excerpt of the report of Douglas J. Swanson, Sin Senh, and Kelly Coulon, dated February 8, 2018, disclosed by Lamorak during discovery in the Remaining Sites phase of this action.

138. Attached as Exhibit 137 is a true and correct copy of the report of Jeffery Zelikson, dated September 23, 2020, disclosed by Olin during discovery in this action.

139. Attached as Exhibit 138 is a true and correct copy of the report of Patrick McGrath, dated September 23, 2020, disclosed by Olin during discovery in this action

140. Attached as Exhibit 139 is a true and correct copy of the report of Sin Senh, dated September 23, 2020, disclosed by Lamorak during discovery in this action

141. Attached as Exhibit 140 is a true and correct copy of the rebuttal report of Marc Scarcella, dated October 23, 2020, disclosed by Lamorak during discovery in this action.

142. Attached as Exhibit 141 is a true and correct copy of the supplemental disclosure of Patrick McGrath, dated October 21, 2020, disclosed by Olin during discovery in this action.

143. Attached as Exhibit 142 is a true and correct copy of excerpts from the transcript of the April 24, 2018 deposition of Sin Senh taken during discovery in the Remaining Sites phase of this action.

144. Attached as Exhibit 143 is a true and correct copy of excerpts from the transcript of the October 26, 2020 deposition of Sin Senh taken during discovery in this action.

145. Attached as Exhibit 144 is a true and correct copy of excerpts from the transcript of the October 29, 2020 deposition of Marc Scarcella taken during discovery in this action.

IX. ECF Documents

146. Attached as Exhibit 145 is a true and correct copy of an Answer of Commercial Union to the First Amended Counterclaim and Cross-Claim of Employers Insurance of Wausau, filed January 24, 1992, entered in this action as ECF number 479.

147. Attached as Exhibit 146 is a true and correct copy of the First Amended Counterclaim and Cross-Claim of Employers Insurance of Wausau, filed December 31, 1991, entered in this action as ECF number 488.

148. Attached as Exhibit 147 is a true and correct copy of Olin Corporation's Second Amended Complaint, filed October 17, 1993, entered in this action as ECF number 611.

149. Attached as Exhibit 148 is a true and correct copy of an Answer of Commercial Union to Olin Corporation's Second Amended Complaint, filed November 18, 1993, entered in this action as ECF number 629.

150. Attached as Exhibit 149 is a true and correct copy of Olin Corporation's Third Amended Complaint filed June 14, 2010, entered in this action as ECF number 1403.

151. Attached as Exhibit 150 is a true and correct copy of the Answer of Defendant OneBeacon America to Plaintiff Olin Corporation's Third Amended Complaint with Affirmative Defenses filed December 22, 2010, entered in this action as ECF number 1456.

152. Attached as Exhibit 151 is a true and correct copy of an Amended Rule 54(b) Judgment dated April 6, 2015, entered in this action as ECF number 1819.

153. Attached as Exhibit 152 is a true and correct copy of Olin Corporation's Fourth Amended Complaint filed October 16, 2017, entered in this action as ECF number 2001.

154. Attached as Exhibit 153 is a true and correct copy of the Answer of Defendant OneBeacon America to Plaintiff Olin Corporation's Fourth Amended Complaint with Affirmative Defenses, entered into this action as ECF number 2002.

X. Miscellaneous

155. Attached as Exhibit 154 is a true and correct copy of an excerpt of Olin's Form 10-Q, for the third quarter of 2020, which is publicly available.

156. Attached as Exhibit 155 is a true and correct copy of General Dynamics Corporation's Form 8-K, dated February 2, 2011, which is publicly available.

157. Attached as Exhibit 156 is a true and correct copy of the Distribution Agreement between Olin Corporation and Arch Chemicals, Inc., dated February 1, 1999, which was produced in this action and bates labeled OLIN2013-104350 *et seq.*

158. Attached as Exhibit 157 is a true and correct copy of the Record of Decision for Arch Chemicals, Inc. (formerly Olin Corporation), Operable Unit No. 2, City of Rochester, Monroe County, Site No. 8-28-018A, prepared by the Division of Environmental Remediation of the New York State Department of Environmental Conservation, dated March 2002, which was produced in this action and bates labeled OLIN2013-0467675 *et seq.*

159. Attached as Exhibit 158 is a true and correct copy of the Record of Decision for Olin Corporation – Chemicals Group, State Superfund Project, Rochester, Monroe County, Site No. 828018A, prepared by the Division of Environmental Remediation of the New York State Department of Environmental Conservation, dated March 2019, which is publicly available.

160. Attached as Exhibit 159 is a true and correct copy of a memo from Alaine Greger to File, regarding Olin, dated April 30, 1997, which was produced in this action and bates labeled Lamorak2018 00210995 *et seq.*

161. Attached as Exhibit 160 is a true and correct copy of the Declaration of Jerry Ronecker, dated November 12, 2020.

* * *

162. I affirm under penalty of perjury of the laws of the United States of America that the foregoing is true and correct to the best of my knowledge and belief.

Dated: November 12, 2020

/s/ Craig C. Martin

Craig C. Martin

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served on the following Counsel of Record via CM/ECF on November 12, 2020:

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/s/ Maria C. Liu
